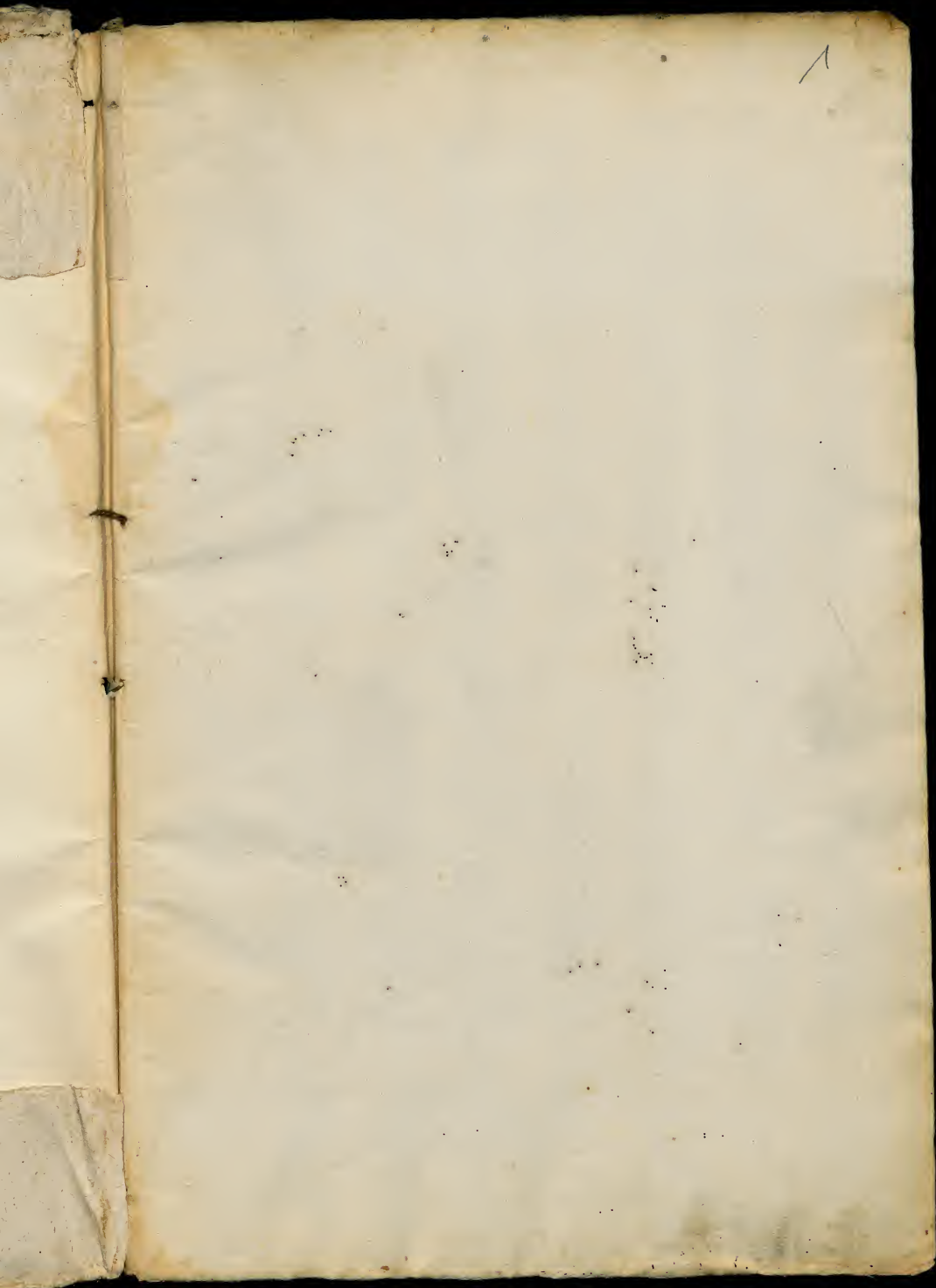


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2

# Regulations for the administration of Justice in the Provincial Courts of Adawlut, and in the Court of Appeals in the Province of Malabar.

Superintendent  
to be Judges ex-

cept in the town of Calicut, and hereafter have the charge of the revenue in each respective district of the place with the exception of the Court now established in the Capital City of Calicut, which is to continue independent of any Superintendency for the decision of all causes originating within the limits of the said City and district thenceforth annulled.

That every person appointed a Judge of any Provincial Court before he shall enter upon the execution of his Office, do before the Governor in Council of Bombay or such person as shall by the Governor or in Council be deputed to administer the same or the Supervisor and Chief Magistrate of the Province of Malabar take and subscribe an Oath in the following words.

Oath to be taken  
by the Judges

"I do swear that I will administer  
Justice to the best of my ability, knowledge, and jud-  
gement without fear, favor, promise or hope of reward  
and that I will not receive directly or indirectly any  
present or nuzzer, either in money or effects of any  
kind, from any party in any cause, or from any  
person whatsoever, on account of any suit to be in-  
stituted, or which may be depending or have been  
decided in the Court of Adawlut under my jurisdiction.  
I will not knowingly permit any person  
or persons under my authority, or in my commis-  
sion to service to receive directly or indirectly any

"present or Suggar, either in money or in effects of  
 "of any kind from any party in any cause or from any  
 "person whatsoever, on account of any suit to be instituted  
 "which may be depending or have been decided in the  
 "Court of Appeal under my jurisdiction and that  
 "I will render a true and faithful account of all  
 "sums received as deposits or claims and fees of Court,  
 "and of all expensitery."

3.

*Native Officers*

to be appointed respectively, may appoint the native Officers, whom  
 and removable and their servants thereof conformably to their rules  
 by the Judges on live establishments, and may from time to time  
 subject to the Judges remove such Officers; and may from time to time  
 rotation and when any vacancy shall happen appoint any  
 confirmation of other person duly qualified, to the office which  
 the Chief Magistrate shall become vacant, provided, and it is hereby  
 that

ordered that an exact register of the names  
 and departments of all such Officers be trans-  
 mitted to the Chief Magistrate in his separate  
 capacity as Judge of the Court of Appeals, and  
 that his approbation be obtained of their respec-  
 tive nominations, and when vacancies shall  
 happen either by death, or resignation, or removal  
 of any such Officers the same with the dates and  
 circumstances thereof, be also reported to the Chief  
 Magistrate, who, if such removal shall appear  
 to have been made without just and sufficient  
 cause, may order such person or persons to be  
 reinstated, in his or their Department, or other-  
 wise confirm the same, after which the filling  
 up of the vacancy shall be subject to his appro-

The Judge to take  
 personal obligations  
 & security from  
 his Officers for their  
 good behaviour

bation as in the case of primary nomination and  
 the Judge is hereby required to exact Mochul Kagon  
 personal obligations from all his Officers for their  
 good behaviour, and integrity in discharge of  
 their

Cause of  
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 be tried  
 first in  
 before  
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Oath to  
 by the  
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 Officers

their respective functions equal to one year's amount of  
their respective allowances, the originals of all which  
obligations are to accompany the register of their no-  
mination, when submitted to the Chief Magistrate  
for his approval, and shall remain and be filed  
on record in his Court and their amount to be  
recoverable, and shall be strictly realized from  
any of the parties incurring the penalty by  
judgment of the Judge in his Court of Adawlut,  
liable to appeal if the party be debatable in  
like manner with other causes, with however  
this special exception in the mode of trying  
this class of causes (viz. those founded on the penal  
obligations, and securities to be given and entered  
into by the native officers) that the Chief Ma-  
gistrate may at anytime in his discretion bring all  
be tried in the such causes directly before his own tribunal, and  
first instance hear, try, and decide on them in the first instance  
before the Chief reserving to the party thus tried, the same ben-  
efit of Appeal to the Governor in Council of Bombay  
as herein after provided for causes in general.

14<sup>th</sup>

Oath to be taken  
by the Registrar  
and native  
officers-

That the Registrar, and native  
officers do take and subscribe in open Court before  
the Judge of the Provincial Court of Adawlut to which  
they belong the following Oath.

"I will truly and faithfully perform  
the Office of - of this Court, according to the best  
of my knowledge, and ability, and I will not  
receive directly or indirectly any present or  
sugger, either in money or in effects of any kind,  
from any party in any cause, or from any per-  
son whatsoever, on account of any suit to be in-  
stituted, or which may be depending or have been  
decided in the Court of Adawlut in which I am  
and that the Pandits do take the following Oath,



"or if to take an oath contrary to their principles)  
 "that they do make and subscribe the following declara-  
 "tion" I will faithfully execute the office and trust  
 "of a Pandit in this Court, or questions put to me  
 "in writing, or by word of mouth, in the said Court, or  
 "any Judge thereof; what is in the Shaster or what  
 "are the Malabar established Customs I will declare  
 "or give in writing. I will declare nothing not  
 "warranted by the Shaster or by such established  
 "customs if I declare any thing not warranted by  
 "the Shaster or by such established customs, or by  
 "such established customs, or shall amitt clearly to  
 "point out the distinction that exist in practice  
 "between the one and the other I shall be dis-  
 "ring of punishment from Estuar, and  
 "I promise and swear not to accept of any  
 "consideration in money, or otherwise for any  
 "opinion or declaration of the Law I may  
 "deliver as Pandit of this Court."

5<sup>th</sup>

Duties of the  
 Register and  
 Daroghas

That it be the duty of the  
 Register in each Provincial Court of Adawlut, to  
 assist the Judge thereof by making translations  
 of such papers as the Judge may require to be  
 translated, and to do all other official acts which  
 may be prescribed to him by the said  
 Judge. That the Judge be authorized to empo-  
 wer the Register to hear and receive evidence  
 in any cause, and to pass sentence in causes  
 where the value contended shall not exceed the  
 sum of sixty-four Rupees, or two hundred Papes,  
 or if the suit be for land, where the public  
 Government rent thereof shall not exceed  
 sixty-four Rupees for annum all such acts  
 to be performed in open Court on extra days,  
 when the Judge shall not sit himself, and such  
 decrees

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decrees to be signed by the Register, and Counter signed by the Judge as a mark of his approbation without which such decrees shall not be valid. That the clerks of each Court do, after the rising of the Court procure all acts of the Court to be executed, and do assist the Register in arranging and keeping the records, minutes, and papers of the Court, but that he do not in any other manner, on any pretence whatsoever, publicly, or privately interfere in any cause, matter, or thing depending before the Court, or which may be intended to be brought before the Court. That the Judge of every Court, may allot and assign to the respective Officers of the Court, the particular business which shall be respectively done, and performed by such Officers.

Powers vested

in the Provincial Courts of Appeal, and in the Provincial Courts of first instance, to frame and make standing rules and orders of practice for the administration of Justice, so that the same be not used in the said Courts until they have been transmitted to the Chief Magistrate in his Court of Appeals, under the official seal and signature of the Judge of the Court, in which they shall have been framed and have upon transmission from the Chief Magistrate been ratified, and approved where upon they shall become rules not only of the Court which framed the same, but of all the other Provincial Courts of Appeal.

That the Provincial Courts of Appeal, and in the Provincial Courts of first instance, to frame and make standing rules and orders of practice for the administration of Justice, so that the same be not used in the said Courts until they have been transmitted to the Chief Magistrate in his Court of Appeals, under the official seal and signature of the Judge of the Court, in which they shall have been framed and have upon transmission from the Chief Magistrate been ratified, and approved where upon they shall become rules not only of the Court which framed the same, but of all the other Provincial Courts of Appeal.

Registers fees

That the following table of fees

4

fees be established for the Registers of the Provincial Courts of Adawlut.

### Table of fees

- 1<sup>st</sup> For registering every decree where the Cause of action does not exceed twenty Rupees to be levied on the sum decreed after the rate of  $\frac{1}{10}$  of 100 Cent
- 2<sup>d</sup> Ditto not exceeding forty Rupees 8 annas or one halfpenny 80 Cent
- 3<sup>d</sup> Ditto one hundred Rupees and all sums above that } 1 Rupee 80 Cent

These fees are to be paid to the Register by the party gaining the Cause, but the Court shall oblige the party losing his Cause to reimburse him. And that for preventing all excepsion or to under demands of fees, the Judges shall cause one copy of the foregoing table in the English & language and a faithful translate thereof in the Malabar Tamul, and Kannary languages, & written in a fair and legible hand to be affixed in some conspicuous place in the rooms where the said Courts shall be respectively held.

8<sup>th</sup>

Seal for the  
Provincial  
Adawlut.

That the provincial Courts of Adawlut, respectively, shall have and use a Seal, on which shall be cut in the Malabar language and Characters, the name of that Court to which it shall belong, which seal shall be and remain in the custody of the Judge thereof.

9<sup>th</sup>

Where the Courts  
are to sit, and how  
to pass orders  
for

That the Provincial Courts of Adawlut, be respectively held in a large and convenient room or other apartment in that Town or place where the Judges thereof shall for the time being, whether at the seat

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of the Supervisendency, or otherwise within the  
limits thereof be resident, two days in every week  
and of tenor, if occasion shall require, and that no  
rule, order, proceeding, or decree of the said Court be made,  
but on Court days, and in open Court.  
10<sup>th</sup>

Matters +  
cognizable  
in the Court  
shall

That the matters cognizable in the  
Provincial Courts of adawlut be all disputes con-  
cerning property, without real or personal, all causes  
of inheritance, marriage, or cast, all claims concerning  
the right, and success, or to the property, imposition  
of, and inheritance to lands of whatsover descrip-  
tion, and denomination, or concerning dispu-  
tes regarding the boundaries thereof, all matters re-  
lating to debts, accounts, contracts, mortgages, or  
partnership, and so forth, and in general all  
subjects of litigation being of a civil nature,  
and not concerning revenue.

11<sup>th</sup>

Regulations  
relative to  
Bonds

That the Judges of the Provincial  
Courts do in every case where they may find it  
necessary to employ the Bonds of the Court, for-  
nish the said Bonds so employed, with a warrant or order  
under their respective official seals and signatures,  
expressing of the of the duty and purpose for  
which they are dispatched and do also give public  
notice that any person acting without a warrant,  
shall be liable to punishment on complaint made  
to any of the Judges of the Provincial Courts, and the  
Judges are authorized to punish all offenders &  
in this behalf, by a fine, not exceeding two &  
Bonds, or imprisonment for a term, which shall  
not exceed ten days.

12

Local juris-  
diction of the  
Provincial  
Courts

That the jurisdiction of the  
Provincial Courts of adawlut of which the

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Super



Superintendents and Judges have the same extent as their Superintendencies respectively.

13<sup>th</sup>

Penalty for  
commencing  
in a different  
Adawlut a  
second suit  
for the same  
cause of action

That in every case where a suit has been instituted in one Provincial Court of Adawlut, in which such suit is cognizable, it shall not be competent for any other Provincial Court of Adawlut to entertain any suit for the same cause of action, and proof being made in any Court, in which a second suit shall be commenced on the same cause of action that the prior suit has been instituted in such other Court for the same cause of action the Court in which the second suit shall have been brought shall dismiss the same with costs to be paid by the parties thereto.

14<sup>th</sup>

Description  
of revenue  
causes which  
the Adawluts  
are not to  
interfere in

That the powers and authorities heretofore given and delegated, do, in nowise extend to or be construed to extend to authorize any Provincial Court of Adawlut to entertain any suit or cause for any matter or thing directly or indirectly relating to the public revenue nor concerning any demand of Government or Landholders, Farmers, securities, collectors, or others employed in the collections, or in any wise responsible for the revenues, or any demands of Landholders, Farmers securities, or collectors, or others employed in the collections, on their or under farmers securities, inferior land holders and collectors, and others from whom rents or revenues have been immediately due nor any demands for rents or revenues on persons employed in the collection of them, officially or hereditary in the different gradations down ward from Government to the Ryots, or immediate occupants of the soil, nor again in the same manner of any Ryots, and persons of any of the above mentioned denominations against the persons to whom they pay the revenues in the different gradations upwards for regular

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gular, and undue exactions, (since all the above enumerated causes are to be heard tried and determined by the Superintendent in his revenue but hurry, with the same regularity, form and regard to a strict and impartial administration of Justice, as is required for other causes not relating to the revenue) nor to confirm to any heir the succession to lands or originally granted for the life of the incumbent, or on conditions which render the grant unreasonable, nor to pass a Government, nor to give any decree in any suit, or decree relative concerning the succession or inheritance to any to the right of land or house where there be more claimants than property in one, who by the Hindoo or the Mahomedan Law or the Law, without common or customary law of the Country, (respect including all being had to the religion, the Claimants, and to those who have the pre-possessions of the common law in each an eminent particular case, or herein after provided, and pointed out, would be entitled to the same) except the same be by such decree adjudged to all the claimants in such proportions as they shall be entitled to by the law of that religion which the claimants profess—

15<sup>th</sup>

Term fixed for Causes being actionable

For to authorize the Provincial Courts to be allowed to hear, try and determine any suit or hot fever, except founded on Mortgage or debt, against any person, where the cause of action shall have arisen before the first day of the month Canny, in the or Malabar 963, or eleventh of September in the year four Lord one thousand seven hundred and eighty seven unless the Complainant can prove to the satisfaction of the Court, that being a minor he had been precluded from the means of applying for redress.

16<sup>th</sup>

Causes once determined not to be again heard

Not to hear, and entertain any cause, which from the production of a former decree, or from

5

Notes of the  
Court

from the records of the Court, shall appear to have been heard and determined by any former Judge or Judges, Trial or Superintendant, then having competent jurisdiction, nor to give any force in any suit by which any interest on any sum shall be given above or below the rate of 5 p. Cent. p. Annum, unless where a lower rate of interest shall have been specified between the parties in all which cases such particular stipulations for a lower interest to be given shall adhere to.

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Limitations

as to the matter  
cognizable in  
jurisdiction of them all  
and local

17<sup>th</sup>  
That every Provincial Court of Adawlut shall be authorized and be desired to have full power jurisdiction and authority to hear and determine all and every the suits which have been or may be commenced therefor for the several causes above recited where the land or house concerning which the suit is or interest of which, shall be in the jurisdiction of the Court, and in all other cases where the cause of the suit is or shall arise, or the defendant at the time the suit is commenced did or shall reside and so forward in the County, division or place over which the jurisdiction of such Court is herein above declared to be extended.

Shocep  
and

What every  
Complaint shall  
contain

18<sup>th</sup>  
That every Complaint which shall be presented to any Provincial Court of Adawlut shall state the matter of Complaint and if the same be concerning any land or house not paying revenue shall state the annual produce thereof, and if the land or house pay revenue the pinnawa, or annual revenue to Government, and if such Complaint be concerning any money or valuable thing or concerning marriage or cast then the sum of money or value of the thing demanded or the sum in which the plaintiff is damaged together with the name of the person complained against, and to

the

the time when the cause of action accrued, and such  
 complaint shall be signed by the complainant or his  
 father, properly authorized, and shall be likewise  
 signed, and numbered and dated in the order in which the  
 same was received by the Judge of the Court, and shall  
 be registered in a book by a Clerk or officer of the  
 Court, whose particular duty it shall be to copy and  
 register such complaints.

19<sup>th</sup>

Shoebo to be observed  
 in the office

That any person whatsoever by himself  
 or his father may, for any of the causes hereby  
 made and declared to be cognizable by the Provincial  
 Courts of adawlat, prefer a complaint in writing  
 to that Court to which the cognizance of his cause  
 shall belong, whereupon the said Court shall  
 issue a Public writ, or summons, to the defendant,  
 which summons shall contain a short account  
 of the nature of the demand contained in the  
 complaint and shall require such person to  
 appear at a certain time, in the Provincial  
 Court of adawlat to make answer to the said  
 complaint, which summons shall be served  
 by the Nazir or his inferior minister, on the  
 defendant if he can be found, and the Nazir  
 or his inferior minister shall enforce  
 obedience to the same, by compelling such  
 defendant to appear: or the said Court may  
 authorize the Nazir to take security, in such  
 sum as the Court may direct, for the appear-  
 ance of the defendant and the Nazir shall



return, on the day appointed in the summons the  
 summons with an indorsement thereon specifying  
 in what manner he hath complied therewith, and if  
 the defendant shall appear the Court shall, by a  
 certain day, according to the direction of the Court  
 for him to make answer, and may take good  
 and sufficient security, that the Defendant shall,  
 on the day fixed, make answer to such inquiry, and  
 shall abide by and perform such sentence  
 as by the Court shall be made in the cause and unless  
 the defendant shall find such good and sufficient  
 security, he shall be committed to close custody, until  
 he shall have answered and performed the decree  
 of the Court, or given such security as aforesaid and  
 when the said defendant shall have made answer  
 to the complaint, the Plaintiff shall on the next  
 Court day reply to the same, but shall not be permitted  
 to introduce by his replication any matter  
 whatsoever, which was not contained in his bill  
 of Complaint, but shall either confess the answer  
 of the Defendant to be true, or shall simply and  
 shortly deny the truth of such facts contained  
 therein, or the competency of the answer and the  
 Defendant shall on the same day, immediately  
 reply to the same but shall not be permitted to  
 introduce by his rejoinder, any matter not con-  
 tained in his answer, but shall simply deny  
 the truth of the replication of the Plaintiff,  
 such parts as he means to dispute, and aver  
 the truth and competency of his own answer  
 and;



and no farther pleadings whatsoever shall be admitted in the cause, but if by mistake or inadvertence or any other cause the Plaintiff shall have omitted to insert in his Complaint any thing material in the cause, on stating the same to the Court, either by himself, or his Va'keel, the Court may permit the Plaintiff to prefer a Supplemental Complaint & stating such matter, to which the Defendant shall be at liberty to put in, on a day to be fixed for that purpose, another answer, and the Plaintiff and Defendant shall reply and rejoinder, in the same manner and no other as they shall have done in the original Complaint. And if the Defendant shall in like manner, by mistake or inadvertence or any other cause, have omitted to insert in his answer, any thing material to his defence, on stating the same to the Court, either by himself, or his Va'keel, the Court may permit the Defendant to put in an additional, or supplemental answer, to which the Plaintiff and Defendant may reply and rejoinder, in the same manner and no other as they shall have done in the original answer, so that no more than one supplemental Complaint, or one supplemental answer be received by the Court. And when the rejoinder shall have been put in, and the several causes thereby be thus in issue, the Court shall immediately fix a day and shall on the day fixed, (eight days notice whereof shall be given to the parties)

(14)

parties) or as soon after as the business of the Court will permit, examine the truth thereof by the oaths of the parties if they mutually consent to the same; and of such witnesses as shall be produced by both parties, if such parties have any witnesses to produce, one for each that preside the Courts of Provincial Adalat.

Manner of Summary on the requisition of any Plaintiff, in demanding witness -  
If the defendant, or those called upon to produce witnesses refuse or neglect to bring their witnesses -

the Plaintiff may then call upon the Court to issue a summons to such witnesses as the parties shall name not being or a Mussulman or Hindoo woman of rank or quality being such as according to the ideas and propensities of the natives of this Country, shall be found to render it improper to compel her to appear in an open Court of Justice) and specifying at whose request the summons shall have issued, and requesting them to appear in the Provincial Court of Adalat on the day named in the summons there to depose concerning the matters in the dispute between the parties and if such witness so summoned shall not attend on the day appointed, or attending shall refuse to give evidence or to subscribe his deposition as is herein after required, the Judge of the Provincial Court of Adalat may in that case, if it shall be proved to his satisfaction on Oath, that the witness was material to the cause, issue an order to the Sazir to seize, and bring such witness, not attending before the Court, and shall and may inflict, on such witness

Now we  
are to be

witness, not having attended or refusing to give evidence, a fine not exceeding two shillings, and may commit such witness to close custody, until he shall consent to give his evidence, and sign his deposition in the cause, and if any witness shall in consequence of such summons appear, who shall have incurred any expence in consequence thereof, the Court may award to him such sum of money for the same, as the Court shall think reasonable, be the witness examined or not, and if the sum so awarded, shall not be paid immediately or secured to the witness to the satisfaction of the Court, the party at whose requisition the witness was summoned (if such party, and two credible witnesses shall not have taken the oath hereafter required in cases of poor persons not able to pay or deposit money, fees and costs) shall not only lose the benefit of the said persons testimony, but shall be compelled to pay such witness the sum so awarded, and for that purpose after the decree shall be passed in the cause, shall by order of the Court be committed to close custody, until he shall have paid the same. And the Provincial Courts of adalvick & are to be sworn shall administer to such parties so consenting to be examined on oath, and to such witnesses such oaths as according to their different religions and persuasions, shall be deemed most binding on their consciences, provided that & where any witness be of such rank, Cash, or gen-  
 ally



ality, that it may be, from the prejudices of the  
 Court, improper to administer an oath to them,  
 the Judge of the Court may dispense with their  
 being sworn, on their subscribing a declaration  
 to the following effect, to wit of the witness be  
 an Hindoo. "I will faithfully answer such  
 questions, as shall be put to me by the Court  
 in the cause now before the Court according  
 to the truth I will declare nothing not  
 warranted by the truth, if I declare any  
 thing not warranted by the truth I shall be  
 deserving of punishment from Eschur and  
 in case such witness be a Mussulman  
 "I do sincerely promise and swear in the pre-  
 sence of almighty God, that I will faith-  
 fully, without partiality answer any ques-  
 tion put to me by the Court, respecting the  
 cause now before the Court according to the truth.  
 "And the testimony and deposition of  
 such witness or witnesses so subscribing, shall  
 be read and received as good evidence in the cause,  
 and be filed and recorded in like manner as  
 if the witness had been sworn and the Court  
 shall cause the deposition of every witness  
 to be subscribed by the witness with his or  
 her name or mark, and to be filed of record  
 and every exhibit or written evidence what-  
 soever (other than exhibits produced by such  
 absent witnesses as are herein after mention-  
 ed) shall be produced in open Court at the  
 trial

Exhibits  
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Or of other  
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 by Commission



trial and shall if disputed be duly proved  
by the examination of witnesses sworn as aforesaid;  
whose depositions shall in like manner be reduced to  
writing and signed as aforesaid, and every exhibit  
marks of paper shall be marked with some letter or number to  
identify the same, and such letter or number shall  
be referred to in the deposition proving the same.  
And all exhibits proved by witnesses not present  
in the Court, as aforesaid, shall in like manner be  
marked, and referred to in the depositions proving to  
them; and shall be read and reviewed as being  
read at the time they are read in the Court. And in  
care of any witness being an Hindoo or Mussul.  
man or woman of rank or quality, which according  
to the received ideas of the Country would make it  
improper to compel her to appear in an open Court  
of Justice; the Courts of Provincial Adawlut are  
hereby authorized to depose or commission three  
credible persons being women (such women to  
being first sworn to execute the said commission  
faithfully, and truly) to administer either an o-  
ath, or such declaration, as is before required from  
persons of high rank, according to the discretion of the  
Judge, and the religion of the witness, and to examine  
such witness on written interrogatories delivered to the  
persons so deputed, by both parties or their Vakil, if  
Or of other wit. Both parties shall desire to examine such witnesses.  
And in like manner if any witness or witnesses,  
whose depositions shall be necessary to the deter-  
mination of any cause, shall live, and reside out

of the jurisdiction of the Provincial Court of admiralty, in which the suit is instituted, the Judge of the Provincial Court of admiralty is hereby authorized, by letters signed himself, and sealed with the seal of the Court to request the Judge of the Provincial Court, in whose jurisdiction, such witness or witnesses shall live, and direct to administer either on oath, or such declaration, as is before required from persons of high rank, according to the direction of the Judge who shall grant such Commission, and the religion of the witness, and to examine such witness on or written interrogatories delivered or transmitted to the Judge so directed, by both the parties or their Varkies, if both parties shall desire to examine such witness, and the Judge to whom such letter is directed, is hereby authorized, and required to examine each witness named in such letter, according to the requisition thereof, and the person so commissioned, and the Judge to whom such letter shall be directed, shall return the depositions of such witnesses, signed by such witnesses, to the Judge of the Court in which the cause is depending, at the time required by the Commission or letter; and such depositions so taken shall be read and received as good evidence in the cause, and be filed of record; and when the parties shall have been heard, and all the witnesses on both sides examined, the Judge shall give judgment, and shall decree according to justice and right; and it here, in any judgment of the Court, the defendants are unable from poor-

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by to satisfy the amount, of the claims which under the said Court's authority have been decreed against them, such Judge may award the payment thereof to be made by instalment or instalment from the defendant, for the fulfilment of which instalment the Court is to take the best procurable security from the defendant and otherwise cause and enforce the execution as application may hereafter be made by the plaintiff. And if the interest on any loan has accumulated, so as to exceed the principal, according to his discretion on the review of the circumstances of the debtor, where the interest has accumulated so as to exceed the principal, reduce it to one half of the principal, or where the interest has exceeded a half of the principal, reduce it to a quarter, and shall order costs to be paid to the party in whose favor the decree shall be made, such costs having been first paid by the Judge of the Court, and the Court shall cause the decree to be executed, in case any land or house be decreed to the plaintiff, by causing possession of the same to be delivered, and in case of any other property being decreed to the Plaintiff, by ordering the specific thing to be delivered, or by causing the value of the sum, or other thing decreed, to be levied by the sale of the lands and houses, and of all other the effects either real or personal of the party against whom judgment shall have been given, by public auction or by attachment of the person, or where it shall be necessary both by sale of the effects,

posts be paid  
and paid by the  
party cash.

In what manner  
the Court, and the Court shall cause the decree to be  
executed, in case any land or house be decreed to the  
plaintiff, by causing possession of the same to be  
delivered, and in case of any other property being  
decreed to the Plaintiff, by ordering the specific  
thing to be delivered, or by causing the value of the  
sum, or other thing decreed, to be levied by the sale  
of the lands and houses, and of all other the effects  
either real or personal of the party against whom  
judgment shall have been given, by public  
auction or by attachment of the person, or where  
it shall be necessary both by sale of the effects,



and attachment of the persons -  
20<sup>th</sup>

That in all suits of a civil nature that are relative to succession inheritance, mortgages, loans, bonds, security here, wages, marriage, and cast, and every other claim to personal or real or right and property, the cause to be decided as far as shall depend on the point of law by that of the law of the defendant; the laws of the Koran with respect to the Shaster and the Mussulmans, and those of the Shaster with respect to the Hindus, being thus to be taken as the general foundation in rule for the Judge's guidance, and in all such cases the Hindus and the Mussulmans shall separately attend to expound the law of their religion, respectively, as applicable to each case in point, but that in cases of succession to landed property, the Judge shall also ascertain whether they have been regulated by any general usage of the district, where the land is situated, or by any particular usage of the family of the defendant, and determine in his decision the weight due to such evidence. Besides which in all cases whatever the Judge is to enquire and satisfy himself whether there be or be not, an unwritten yet ascertained common law, (called in Hindustan Raj-ul-mulk, or customary rule of the Country,) and whether this rule be or be not usually applied to the decision of causes, such as the one depending, whether relating to the claims of an Hindoo or a Mussulman, when if the affirmative be found clearly

cause may  
refer to  
the conse  
the par  
the Raj  
to arbit

The Judge  
and  
the decision  
the Rajah  
Chief, be  
the award  
or subra

clearly to be the case, and that such rule may have  
appeared at the same time duly consistent with the  
principles of equity, it is after the same application  
to the immediate subject of litigation, to-  
gether with the above given grounds of preferring  
it (if they be found to exist) shall have been recor-  
ded, to operate to the exclusion so far, of the written  
and formal codes of the Hindus and Mussulman  
law books and treatises, which being more essentially,  
and nearly the rule to which the natives have be-  
come habituated -

21<sup>st</sup>

Cases may be  
referred with  
the consent of  
the parties, to  
the Rajah or  
to arbitrators

That it shall be competent to the  
Judges of the Provincial Courts to refer cases (as far  
as shall be consistent with the free consent of the  
parties) to the Rajah or Chief of the district in which  
the subject of litigation lies provided, the parties  
in view to the local distance, or other cause of conveni-  
ence to themselves prefer that mode, or otherwise  
to arbitrators, to be freely chosen by the parties in  
either of which cases, the purport or substance of  
the Rajah's decision, or arbitrators award, to be  
recorded, and to be thereon carried into effect, provided  
always that all decisions in civil causes, founded  
on notions of preference, granted at the choice of  
the parties, from the Judge to the native Rajahs,  
or principal Chiefs, be revisable, & either of the  
parties object thereto, by the Judge of the Court  
who is thereon as far to him appear necessary,  
to enquire try, and decide on the merits of the  
cause

The Judge may  
also and also  
the decisions of  
the Rajahs and  
Chiefs, but not  
the award of  
arbitrators.

...in the same manner as is already pres-  
cribed by law. And this shall not constitute  
any objection but there shall be no revision  
of the award of arbitrators, such award being  
deemed to be final in every instance of  
the parties free choice of the award, or persons  
so awarding, to arbitrate between them, to  
ascertain which free choice, award, or arbi-  
tration, or writings specifying the latter, shall  
be thus submission of their cause into what  
shall prove the award of the arbitrators to be  
taken up to the Court in the first stage of the cause,  
and deposited as a voucher among the records.

22<sup>nd</sup>

arbitration time  
to be taken from  
the parties property  
that more -

plaintiffs to  
able to perform  
substantive to defend  
plaintiffs in close  
custody.

That defendants confined until  
they shall have entered into persons security, or  
the commencement of a cause as is required in  
the 19<sup>th</sup> Article, or have satisfied some other  
against them on the termination of a suit, be  
(if in the opinion of the Judge their poverty  
require it) supplied with a sufficient weekly  
allowance for their subsistence, this the proper  
Officer of the Court by the plaintiff's request, in default  
of which, after the said plaintiff shall have been  
ineffectually required to make it, by the Court's  
written requisition, and warning of the consequen-  
ce of his refusal, the defendants to be released.

23<sup>rd</sup>

Manner of pro-  
ceeding, when  
the defendants

That if any defendant against whom  
a summons shall have issued, shall have  
absconded, or is not, after diligent search, to be  
found

abscond,  
or found

by the  
to and



abscond, or cannot be found, and the Sheriff shall have returned such  
 as found. - reason for not being able to find the defendant, the  
 Sheriff shall cause a writing in the English, French, Spanish, or other current languages, to be  
 stuck up in some conspicuous part of the room, in which the Court shall be held, which  
 writing shall contain a copy of the summons, and a notice that if the party shall not appear  
 on a day to be fixed (not less than ten days &  
 from the time that the same shall be fixed up) the Court will, without farther notice, process,  
 or order, proceed to hear, try, and determine the  
 cause without the appearance, or answer of the  
 defendant. And the Court shall order a copy of  
 the said summons, and notice to be read and  
 proclaimed by beat of drum, in the village  
 in which the defendant last resided, on three  
 several days within the time limited by such  
 notice, for the appearance, and the Sheriff shall  
 return such order with an endorsement stating  
 when and where such proclamations  
 were made, which shall be filed & recorded. And  
 if such defendant on whom no summons  
 can be served after such notice and procla-  
 mation, shall not appear at the time limited  
 by such notice, or if any defendant having been  
 served with such summons shall not appear  
 or if having appeared, he shall refuse to give  
 answer, or make other default, or shall admit  
 the truth of the Plaintiff's bill of Complaint, the

Line of our  
plains from  
proceeding  
there with

The Court shall examine the allegations  
of the plaintiff, and the several  
of his witnesses, depositions, and give judgement  
in like manner as if the defendant had  
appeared, moved, and entered into process  
if the plaintiff shall in any time request  
to proceed in his cause for the space of twelve  
months the cause shall be dismissed, except the plain-  
tiff can show good and sufficient reasons to  
the Court for his not proceeding therein, and the  
Court may award to the defendant costs,  
as he may have incurred in such suit. In case  
any defendant for whose appearance security  
shall have been taken, shall not appear, or  
having appeared shall refuse to answer, the  
Plaintiff may at his option, either insti-  
tute a suit against such securities on their  
engagement in which suit shall be recorded,  
that which shall be proved due from the  
defendant to the plaintiff, or proceed against  
the defendant in like manner as defendants  
may be proceeded against, who have been  
served with a summons, and who have  
not appeared or who have refused to give an-  
swer.

24<sup>th</sup>

That every process, rule, order or  
decree of the Provincial Courts of Admiralty  
(excepting the case hereby otherwise provided  
for) shall be immediately served or executed,  
without

without application to, or the interference of any person whatsoever, according to the requisition thereof, within the limits of each Judge's own local jurisdiction provided that in every case where any Hindu or Mussulman woman of a rank or quality, being such as, according to the ideas of the natives of the Country shall be found to render it improper to compel her to appear in an open Court of Justice shall be defendant, it shall not be competent for any Judge to compel such defendant to appear and make answer, but he shall in lieu thereof issue a summons requiring such defendant to appear, by herself, or by her attel, at a certain time to be specified in such summons, to make answer to the complaint and abide by such orders as shall be made in the course of the cause and such summons shall be delivered to the principal servant of such woman, and if such defendant shall appear by herself, or by her agent, the Court is to proceed to try the cause in the usual manner, or she shall not appear, the Judge shall in that case proceed, on examining the allegations of the plaintiff only, and the depositions of his witnesses, to give judgment in like manner as is provided for other persons not appearing, or making default in the mode already specified.

25th

B



That the attendance of any persons as parties to any suit, who may be residing out of the limits of the Court, shall be necessary, the Judge shall address the Chief Magistrate or Supervisor, to require the Judge in whose jurisdiction they reside to order their attendance, and he is directed to attend to such requisition without further delay, and the same mode is also to be observed for procuring the attendance of persons residing without the jurisdiction of the Court in cases where their personal examination in the Court, where the cause is trying, shall be deemed necessary by the Judge thereof, notwithstanding what is contained on this point in the 19.<sup>th</sup> Article.

26.<sup>th</sup>

Subject in  
respect  
and to the  
role of the  
Magistrate  
finally  
Governor  
Council

Mode of process

doing against the person shall resist, or cause to be resisted, any process persons who resist the authority of the Courts

That if any landholder or any other person shall resist, or cause to be resisted, any process, order, rule or decree, which shall at any time issue from any Provincial Court of Obedience, on proof thereof being made by Oath to the satisfaction of the Judge of that Court, the Court shall summon such landholder or other person to answer such charge, and if such person shall abscond, so that he cannot be served with such a summons he shall be proceeded against in like manner, as other persons who abscond, so that they cannot be served with the process of the Court, as already provided out in the 23.<sup>rd</sup> Article, and if such person shall refuse, or neglect to make

Answer

answer, if after census being given it shall be proved to the satisfaction of the Court that he is guilty of such charge, the Court shall enquire and decree that such person being a land-holder, do from the time of the decree then made for quit his land, and every right and title he or his heirs may have in, or to the same, or if such person be not a land-holder, may impose a fine on such person, not exceeding five hundred rupees, and cause the same to be recovered by such ways and means, as sums decided in any cause are to be recovered: reserving to such party to appeal

subject in causes to the Court of the Chief Magistrate, but in case he or his picture of shall not appeal within the time hereafter limited to the Court of the Chief Magistrate for appeals from the Court which shall have passed the decree, shall immediately transmit to the Chief Magistrate a copy of the said decree, and of all proceedings therein, and the Chief Magistrate on consideration thereof, shall pass such further orders relative to the cause, either for confirming the decree or procuring farther enquiry to be made by the Provincial Court, or in his own as to him shall appear proper; and if his judgment shall be for confirming such decree, it shall be immediately carried into execution, by causing such land-holder to be provisionally ousted or expelled from the possession of such lands, subject to the ultimate reversal confirmation or alteration of the Governor in Council of Bombay, to whom the Chief Magistrate is hereby required within a term

not exceeding fourteen days from the date of his or  
 confirmation of the decree of the Provincial Court,  
 to transmit authentic copies of all the Proceedings  
 held and documents relative to the said cause, and he  
 is thereon to request their perusal judgement, or further  
 instruction giving on this occasion timely previous  
 notice of not less than ten days to the party against  
 made of transmiss whom the decree of expulsion has been passed, that  
 thing the proceeding he (the Chief Magistrate) will receive and trans-  
 in such cases - met with the proceedings to Bombay any representa-  
 to Bombay) - tations which the party or he may wish to  
 submit to that Government, which representation  
 the Chief Magistrate shall, if the party deliver it  
 within the time prescribed cause without fail  
 to accompany and make part of his despatches  
 aforesaid after which the party is to remain  
 ousted, until the receipt of the answer from the  
 Governor in Council at Bombay, in confirma-  
 - tion thereof or for making further enquiry, or  
 readenetting the party to his lands, on such con-  
 - dition as they shall prescribe, which orders are  
 to be obeyed accordingly.

27th

Cause book to be

Kept for regular

-ting the order

of some in which

they shall come

on to be heard

Court, and shall on the day appointed, or as soon

after as the business of the Court will permit all

on such causes for trial in the order in which

they shall have been entered, and the Court shall

That the Registers of the Provincial  
 Courts do keep a separate cause book, in which  
 shall be entered the several Causes for the trial  
 of which a day shall have been appointed by the  
 Court, and shall on the day appointed, or as soon  
 after as the business of the Court will permit all  
 on such causes for trial in the order in which  
 they shall have been entered, and the Court shall

proceed



shall be heard by and there will be the same as they  
shall be called, except there shall be some special  
reason to the contrary, and a proper convening  
a list of such cases, and the day appointed for  
their several trials shall be constantly offered in  
some conspicuous part of the room where the  
Court shall be held.

20<sup>th</sup>

Rules, for the de-  
putation of  
jurors con-  
jurors form  
of their Court.

That in case of disputed property  
regarding lands, houses, or the limits, boundaries  
or land marks of the same, where a local investiga-  
tion may be deemed proper, an Assessor shall  
be appointed by the Court, who shall be sworn to make  
a true and faithful report to the Court, and that  
he will not take or receive from either party  
any gratuity or reward, other than such sum  
as shall be allowed him by the Court, which  
Assessor shall at a day certain, to be named by the  
Court, make his report to the Court in writing sub-  
scribed with his name, which said report shall be  
received by the Court as evidence in the cause with  
regard to the matters which the said Assessor  
was commissioned to investigate, and no others.  
And the Court shall order (special case being  
taken that the expenses are not unnecessarily  
incurred by the Assessor, by delays, or other  
means) such sum to be paid to the Assessor  
as may be deemed reasonable for his pains and  
trouble, and that such sum be added to the  
costs, and be paid by the person against whom  
the decree shall be made.

In what cases the

parties are to be directed according to the provisions of the Act, and in what cases they are to be directed to choose or contested bargains, non performance of contracts, which shall be considered in the Provincial Courts of a district it shall be recommended

to the parties to submit the decision of their causes to arbitration, the award of which shall become the decree of the Court and so that the parties be able duly to choose the arbitrators, who are to decide the cause without pecuniary

And the Judge is hereby directed to afford every encouragement in his power to inhabitants of character, and credit to become arbitrators, but is not to employ any coercive means for that purpose, nor to permit any of his

Officers of the private servants, or any Officer of the Court not to be arbitrators in any cause; and that he do recommend, and as far as he can without compulsion prevail on the parties to submit to the arbitration of one person to be mutually agreed on by the parties.

30<sup>th</sup>

Obligations to be

entered into by any person under whatever description, not being amenable to the jurisdiction of the Provincial Courts, shall institute a suit in any Provincial Court, against a person duly amenable to it, it shall be required that he

des deposing the fee imposed by the judicial regulations, he shall sign an instrument according

Form of the  
law, in the  
and into the  
Persons  
removable  
the Court

according to the form hereinafter recited, in the  
nature of a bond of arbitration, declaring him-  
self subject to the jurisdiction of the Court for  
so much as shall relate to the suit in question,  
and binds himself to abide by the award or decree  
of the Court, in the same manner, and to the  
same extent as the jurisdiction of the Court is  
exercised against the defendant; and if such plaintiff  
shall refuse to execute such an instrument, the plaint  
shall not be received, nor heard.

Know all men by these presents that I  
of an hold and firmly bound unto

Form of Obliga-  
tion to be enter-  
ed into by  
Persons not  
amenable to  
the Court

Equire Judge of the Provincial Court  
of Outaouais at in the Province of  
that I shall pay in the sum of to be  
paid to the said his executors,

administrators or assigns for which payment made  
and truly to be made, I do hereby bind myself,  
my heirs, executors and administrators jointly  
by these presents sealed with my seal, dated this  
day of in the year of Christ one thousand  
seven hundred and

Whereas the above bound  
hath on the day of the date hereof commenced  
an action, cause or suit in the said Provincial  
Court, before the said  
against

Now the condition of this obligation is such,  
that if the said his heirs, executors,  
and administrators, and every of them do and  
shall on his and their parts, and behalves, in



in all things well and truly stand to obey, abide,  
obtain, perform, and fulfil, all such final  
judgement, and judgements, order and orders, decrees  
and decrees, as shall or may be at any time given  
in the said action cause, ordered, in the said Pro-  
vincial Court of Circuits at \_\_\_\_\_ and  
confirmed in appeal (if the same suit or cause  
shall be appealed). Then this obligation to be  
void, or else to remain in full force and virtue.  
Sealed and delivered  
(where no stamp) in the  
presence of,

31<sup>st</sup>

No matter of fact to be as-  
certained by Court of Circuits, shall upon any pretence what-  
soever, cause to be made any report, of any man-  
ner, by the Judge, but  
Pundits and by any Officer or officers, or by any other person  
Moulavis - whatever other than in the cases specially  
mentioned by these regulations: nevertheless,  
and the custom that it be competent to such judge to refer  
any question arising, on the Mussulman or Hindu  
law, or the customary rule of the Country,  
to the Moulavis, or Pundits or Canonges of the  
Court, respect being had to the law or custom in  
which each is conversant, and that a stat-  
ement of facts on which the question shall  
arise be made out in writing, signed by the  
Judge of the Court, and be delivered to such  
Moulavi or Moulavis, Pundit or Pundits,  
Canonges

When and  
around  
set aside

Punishment  
Contempt

Canongo or Canongos for his or their opinion thereon  
 and a blank left for the answer, or answers of  
 said Canongo or Canongos, to be written on the same  
 paper on which the question is stated, or on that  
 or on a paper firmly annexed thereto immediately  
 under, and following the same, and to be signed  
 by, and with the name or names of such Mon-  
 arch or Monarchs, Pindit or Pindits, Canongo  
 or Canongos, together with the date of the time  
 when such question, or questions was or were  
 submitted to him or them, and when such an-  
 swer, or answers shall be given.

32<sup>o</sup>

When arbitrators  
 awards may be or arbitrators be set aside by any Provincial  
 Court of admiral, except on full proof made by

That no award of any arbitrator  
 awards may be or arbitrators be set aside by any Provincial  
 Court of admiral, except on full proof made by  
 two credible witnesses that the arbitrators had  
 been guilty of gross corruption or partiality,  
 in the cause in which they had made their  
 awards.

33<sup>o</sup>

Punishment of  
 Contempt

That if any person or persons be  
 guilty of any Contempt to the Court in open  
 Court, or of undue arrogations of the authority  
 of the Provincial Courts or of illegal exertion  
 of judicial authority in their own causes, the  
 Court may immediately punish such person  
 or persons by a fine, or fines not exceeding sixty  
 four tauns or two hundred Ropias each and  
 by holding such person or persons in custody  
 till.

F

34)

till such fine or fines shall be paid, due respect being had to the rank and circumstances of the person or persons thus offending in respect to the amount of the fines.

34<sup>th</sup>

mode of proceeding when witnesses are guilty of perjury

That if any person be guilty of a false and corrupt perjury, in any cause or matter depending in Court, the Court may immediately commit such person to the Gaol, or Criminal Court to be proceeded against according to laws.

35<sup>th</sup>

or in cases of suits vexatiously, or commenced a suit, in any Provincial Court of otherwise under Adawlut, and shall pending that suit, or after by institute

That where any person shall have vexatiously, or commenced a suit, in any Provincial Court of otherwise under Adawlut, and shall pending that suit, or after any decree made therein, commence another suit in any other Court of Adawlut for the same cause, or if any person shall commence any suit in any Court of Adawlut, which shall appear to the Judge thereof, to be frivolous vexatious, and totally groundless, the suit shall not only be dismissed with such costs, as the Court may think proper to award, but such Plaintiff may be committed to close custody for a time not exceeding one month, or may be ordered to receive corporal punishment not exceeding twenty lashes according to the degree of the offence, and the persons situation in life.

36<sup>th</sup>

Deposits to be taken at the time of money recovered, or on the decision of causes, in any suits -

That no fee or commission or accretion of money recovered, or on the decision of causes, in any suits -

Month of Deposits

Regular Concern



any other fine whatsoever, except such as are & allowed by these regulations, be received on any & sentence whatsoever. and that a deposit of one Dr Cent shall be taken on every plaint filed at the commencement of a cause. That Judge keep a faithful account of the deposits paid at the commencement of each cause, and of all fines imposed by the Court, and do transmit an account together with the amount thereof monthly return to the Chief Magistrate at the expiration of deposits & fines every month.

37<sup>th</sup>

Regulation  
concerning Paupers

That at the commencement of any suit, in any Provincial Court of Admiralty, if it shall be proved to the satisfaction of the Judge of the Court, in which the suit shall be commenced by the oath of the Plaintiff and of two credible witnesses that they be insured oath to be true, that the Plaintiff is & after all his just debts paid not worth more than the sum of thirty two pounds or one hundred pence, exclusive of the value of the deposit by these regulations required to be made, it shall be competent for the Judge of the Court in which the cause shall be instituted, in lieu thereof to accept either malgammy, or security to the amount of such deposit, and of such costs and fees as the Court shall think likely to be incurred or hazingammy (personal security) to be respectively entered into by the Plaintiff.

Plaintiff, and two good and sufficient securities,  
 according to the direction of the Judge. That where  
 a hazegarning shall have been given the Judge  
 shall, if the suit be determined against the  
 Plaintiff, cause the amount of the deposit of the  
 fees, and of costs, to be paid to the Register of the  
 Court; and where a hazegarning shall have  
 been given, and the Plaintiff shall have failed  
 in his suit, the Judge if he shall deem this writ  
 frivolous or vexatious and the Plaintiff shall  
 not pay the amount of the deposit of the fees and  
 costs shall and is hereby authorized to commit  
 such plaintiff to close custody for any space  
 of time not exceeding three months; and if the  
 said two securities shall not produce such  
 plaintiff so that he may be proceeded  
 against as aforesaid; if such securities shall  
 not cause such deposit, fees, and costs to be  
 paid the Court shall, and is hereby authorized  
 to commit such securities to the Common  
 Jail for any space of time not exceeding  
 three months; and such Plaintiff who is  
 shall have been so committed, shall after  
 he has been confined accordingly, be dischan-  
 ged and exonerated from the payment of  
 costs in like manner as if the decree award-  
 ing the same had been fully satisfied by  
 the payment thereof; and if in such case  
 the decree be for the Plaintiff such sum  
 shall be added to the costs as is required to

N. person  
 any court,  
 principal,  
 duty co.

37  
to added, where the deposit is paid at the convenience  
of the suit, and the Plaintiff shall,  
at the time the decree shall be carried into  
execution, pay such sum so added into &  
Court, to be accounted for as deposits are hereby  
ordered to be accounted for.

38<sup>th</sup>

No person to plead in  
any suit, excepting  
principal or Vallet  
duly constituted

That no complaint be received  
from any other person, than the Plaintiff  
in any cause nor any answer from any other  
person than the defendant, except such per-  
son shall produce, and cause to be filed of  
record, a Vallet not named or written au-  
thority, signed by the party for whom he  
appears and sealed with his seal in pre-  
sence of two witnesses, constituting him  
Vallet of such party in the cause, and if  
he be on the part of the Plaintiff authori-  
zing him to commence the suit, and if  
for the Defendant to defend; and unless  
the party executing the same shall thereby  
undertake to abide by, and confirm all such  
acts, matters and things which his Vallet  
so constituted shall do, or undertake in his  
behalf in the cause as if he had himself  
been present, and, and consenting and  
no act whatsoever shall be done or ad-  
mitted, nor any person heard or sworn,  
in any stage of the cause, except the  
Plaintiff or defendant, or the person by

Thom



them respectively in the manner aforesaid,  
nor until his vote & name shall have been  
filed of record—

39<sup>th</sup>

Summons to  
be written in the  
country language  
given

That every summons, or other pro-  
cess and every order whatsoever of the Court  
to be served or executed on any person what-  
soever, be written or printed in the Challa-  
bar Samvat, Keemaroo, or other current  
languages, sealed with the seal of the Court  
and signed by the Judge thereof—

40<sup>th</sup>

Corroboration to be  
made by the Judge  
in the case of his  
rejecting any  
written any  
evidence—

That if any written evidence be  
offered to any Provincial Court of appeal, or  
in any cause depending therein, if the Court  
shall in their judgement think fit to  
reject the same, the Judge rejecting such  
evidence shall endorse on the back there-  
of the word "Rejected," together with the  
name of the cause and of the party who  
offered to produce the same and the date  
of the time when the same shall be  
rejected, and shall enter a memorandum  
thereon or on a paper there-  
unto to be annexed, of his reasons for  
not admitting the same in evidence  
with his name subscribed thereto and  
shall return the same so endorsed to the  
person who offered to produce the same  
in evidence—

41<sup>st</sup>

held for de-  
posit, and de-  
scribed—

help for drawing  
up, and delivering  
decree

That the Judge in every Revenue Court of Oudh do in every decree recite the names of the witnesses on whose depositions, and the title of every exhibit, read in such cause respectively, on which the decree of the Court shall be formed, and such decree shall be sealed with the seal of the Court, and signed by the Judge thereon in his own proper handwriting, and dated on the day on which the same shall have been passed: and the said Judge, or the Registrar, either at the time of making the decree, or on a day of which the Court shall give notice to the parties or their Valuers, shall in open Court deliver or tender to each party, or their Valuers, not exceeding ten days after the date of such decree or such of them as shall attend, a true copy of such decree, authenticated by the seal of the Court, and signed by the Judge thereof, with an endorsement thereon made by the Registrar, of the date when such copies were delivered, and an entry of such delivery or tender, with the date on which the same was made, shall be made by the Registrar on the margin of the record opposite to the decree and that the value of the thing decreed be in all cases specified with as much accuracy as possible, in such decrees to be delivered to the parties; that is to say if the subject of the decree be revenue land, that its annual Summa, or rental payable to Government be specified, and if rent free land its annual produce, and if house or houses or more personal property the worth thereof according to the smart estimates

That in every Provincial Court of Adawlat a book be kept in which the docket Proceedings of each cause, and every order, and act of the Court shall be minuted, in the Malabar, Tamiol, or Carnary languages, and each day signed by the Judge of the Court; that the several complaints, answer, replication, and rejoinders of the parties and every deposition, exhibit, and paper whatsoever read, and filed in the cause, be referred to in such minutes by marks or numbers corresponding to marks or numbers which the Judge shall cause to be endorsed on the same; and when the same are read in the cause that complete records numbered in the order in which the causes shall be tried be kept in the Provincial Courts of Adawlat in the following form, that at the conclusion of every cause, the petition, answer, reply, and rejoinder, and other pleadings, and allegations, acts and defaults of the parties, depositions of witnesses exhibits, and all other evidence all orders of Court, and returns thereto, in the order in which they were made, the decree or judgment and the return made specifying how the same hath been executed, and all proceedings whatsoever shall be written on a roll of strong paper, in the language in which the petition, answer other pleadings, depositions, or exhibits, shall originally and respectively have been made, so that every order, &c. of the Court be uniformly entered in the Malabar, or other Country or Coast language, and if the depositions or exhibits be in the English, or

abstract  
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or in any other than the Malabar, Kananur, or other  
Coast language, that such depositions or exhibits be  
entered in the language in which they were made or  
written, together with faithful translations of the  
same into the Malabar language; and such record  
shall be authenticated by the seal of the Court, and  
signature of the Judge and countersigned by the head  
Moonshee, and be kept in this form by the Register  
of the Court, among the muniments of the Court, and  
shall be and remain a record of the Court, and any  
copy thereof authenticated by the seal of the Court, and  
signature of the Judge, and countersigned by the Scribe  
or head Moonshee, shall be deemed and received as good  
evidence of such record in any Provincial Court of  
Malabar.

43.

abstract regis-  
tration of Proceedings  
to be made.

That each Judge shall cause to be kept,  
an abstract register in the English language a summary  
of his daily Proceedings, in each cause,  
containing the names of the Plaintiff and defendant,  
the substance of the cause and of the decree made there-  
in, the date when the Complaint was filed, and  
when the decree was passed, and delivered to the  
parties and shall transmit the same monthly  
to the Chief Magistrate in his Court of Appeals.

44<sup>th</sup>

rules for apper-  
ing in future  
to the Court  
of Appeals

That all persons considering them-  
selves aggrieved by the decision of either of the Pro-  
vincial Courts of appeal, may appeal to the  
Court of the Chief Magistrate by Petition of  
Appeal.

appeal, so that every such Petition you not consider  
 one of the Provincial Courts of Oronoko, & persons  
 to the said Court with in twenty days after  
 the day on which the decree was made, Provided  
 nevertheless, that such person may prefer his  
 petition of appeal to the Court of Appeals if he  
 can show just and reasonable cause to the satis-  
 faction of the Court of Appeals, for not having  
 preferred the same within the aforesaid period,  
 and if the Petition of Appeal be against any  
 decree whereby the right of possession of any house  
 or land shall be decreed to the Plaintiff, all Pro-  
 ceedings shall immediately be stayed, and no  
 execution had or possession given under the  
 decree appealed against, until the said appeal  
 shall been finally determined in the Court of  
 Appeals if the party against whom the decree  
 is given, will enter into good, and sufficient se-  
 curity, in a sum equal to one years value of the  
 rents issues, and profits of the land or house, &c.  
 which shall have been decreed, to which, and to  
 perform such order as shall be made in the Court  
 of Appeals; but if such party shall neglect or  
 refuse to enter into such security, on or before the  
 Court day next after such appeal shall be pre-  
 sented, then the Provincial Court of Oronoko shall  
 order execution to be had, and possession to be  
 delivered according to the decree, and in all other  
 cases the Court may either order the decree to  
 be carried into execution or that sufficient secu-  
 rity be given by the party, against whom the  
 decree

22

There shall be made in a sum equal to the sum of money, or the value of the thing decreed for the performance of the decree; and if the Court shall order the same to be executed security shall be taken from the party, in whose favor the decree is made in a sum equal to the sum of money or the value of the thing decreed, for the due performance of such order or decree as shall be made in the Court of appeals; and in all cases the party appealing shall besides give full and sufficient security in a sum not exceeding one hundred and sixty pounds or five hundred rupies for the payment of all such costs, and for the performance of such order or decree, as the Court of appeals may think proper to award or make thereupon and in every case, where any petition of appeal shall be presented in any Provincial Court of Adawlat, against any decree given in such Court, and such securities as are hereby required shall have been entered into, the Judge of such Provincial Court of Adawlat shall immediately enclose on such Petition in his own handwriting, the day of the month and year, on which it was presented, and sign the same with his name, and shall likewise cause to be wrote in the margin of the record or immediately opposite to the decree of the Court appealed, and shall not hence forward exact or receive any deposit on account of such appeal, but shall receive every petition of an appeal without requiring any deposit, and transmit the same to the Court of appeals in like manner as if such deposit had been made, and the Judge shall cause notice in writing to be given to the appellant that he will within ten days, certify to the Court of appeals the several process



44<sup>th</sup>  
deings has in the cause appealed and that if the appellant shall not proceed in his appeal within one month after the same shall have been received by and filed in the Court of Appeals, his appeal will be dismissed even if he, the appellant can show reasonable cause to the satisfaction of the Court of Appeals for not proceeding thereon.

45<sup>th</sup>

Manner of trans-

mitting the Proceedings in any Cause appealed to the Court of Appeals.

That the Judge of the Provincial Court of Admiralty shall within seven days next after the receipt of such appeal transmit to the Court of Appeals the petition of appeal, together with the original complaint, answer, replication, and rejoinder of the parties and the original depositions, exhibits, and every original paper read in the cause with translations of the same and shall before he transmit the same cause true and faithful copies of all such originals authenticated by his own signature and the seal of the Court, and by the signature of the Deputies to be made out, and deposited in his Court in lieu of the originals, which copies shall be, and shall be entered in the records of the Court, and shall be received in evidence in any other Provincial Court of Admiralty.

46<sup>th</sup>

To obey the Orders of the Court of Appeals.

That the Judges of the Provincial Courts do comply with, and execute all orders, rules and regulations, whatsoever as shall be sent from them respectively to the Court of Appeals.

47<sup>th</sup>

Private servants to have no influence.

That every Judge of every Provincial Court of Admiralty do use his utmost care and attention to prevent the influence of his private servants

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Judges to  
a circuit  
Country  
their jurisdiction

in any cause depending, or intended to be brought  
before the Court, and to prevent them from having  
any connection with the parties-

48<sup>th</sup>

That any servant, or dependent of  
the Judges of the Provincial Courts of Adawlut who re-  
ceive any money, or other valuable consideration  
on any pretence whatsoever directly, or indirectly, or  
from any party in any suit, depending in any Court of  
Adawlut, shall be committed as for a contempt of the  
Court, and shall be punished by a fine equal to double  
the sum of money received, or by imprisonment, or by  
corporal punishment, at the discretion of the Judge  
of the Court in which the offence shall have been  
committed; or of the Court of Appeals, on a complaint  
being preferred to the Chief Magistrate in his Court  
of Appeals, or otherwise at his discretion, as provided  
for in the latter part of the 3<sup>d</sup> Article; and the  
Judge of the Provincial Court of Adawlut, in which  
such offence shall be committed is hereby required  
and enjoined to discharge such servant, and never  
hereafter to employ him directly or indirectly, in  
any business whether public or private

49<sup>th</sup>

That in view of more effectually ad-  
ministering justice to all Clashes of inhabitants  
of the Country, it be, and is hereby decided, a rule  
binding on the Judges of the Provincial Courts, that  
from the 15<sup>th</sup> day of October to the 15<sup>th</sup> day of March,  
or longer at their discretion, they remain not  
at the head station of their respective Courts,

but proceed with their officers, and public servants, during all the fair months in question, on account, 'tis' the several parts of the districts under their respective Jurisdictions, remaining in each for a long a period as the local business may require, in such manner as to pass thro all the principal parts of their respective jurisdictions, once in the space of each, or where that cannot be effected of two seasons, to the end that their judicial influence, & powers, and control may as speedily and effectually as possible be felt and understood to pervade every branch of the administration, so as to secure every one in his just rights.

50<sup>th</sup>

The Judges to  
adhere to these  
regulations-

That the Judges of the respective Provincial Courts of Adawlut, are hereby strictly enjoined and commanded, in every act, matter, or thing by them to be done, strictly to adhere to these rules and regulations, and to all other rules of practice and standing orders for the administration of Justice which shall hereafter be transmitted to them from the Court of the Chief Magistrate, which is in future to be styled, the Court of Appeals, under the seal and attestation of the said Courts.

51<sup>th</sup>

That in all cases within the jurisdiction of the Provincial Courts of Adawlut for which no specific directions are hereby given, the respective Judges thereof, do act according to justice, Equity, and good conscience.

Let it be  
the  
order of the  
Court



L. 100 16<sup>th</sup> 1812

That the very late to commence and to the place  
 1000 from the 1<sup>st</sup> day of July One thousand seven hundred  
 and ninety three

Wm. Duncan  
 Wm. Dye  
 Wm. Dye

12<sup>th</sup> June 1812

Article

Duties of the

Magistrates

Lawes & Breaches

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Duties of these

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Magistrates

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Engagements

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Landholder

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149

Article

10<sup>th</sup> The Duties of the respective Magistrates

Engagements



apprehended June 1793. 2.<sup>nd</sup> in the said Magistrate's letters from  
 each Landholder for the several local extents of their respec-  
 tive estates, as a requisite, & essential condition towards giv-  
 ing Validities to their respective Tenures, or to Governments  
 recognizing, or allowing of any settlement, that may be made  
 with them, either directly by the Officers of Governments  
 or thro' the Rajahs, or Superior Rans for their several pro-  
 portions of the Publick Revenue) an Engagement to be  
 intrusted by the Canongoes, binding each of them for the  
 Extent of their own Telm, Tensu, or Temue (i.e. Tenure in  
 land) not on any account to harbour murderers, Robbers,  
 Rebels, Thieves, or other Disturbers of the Peace: but on the  
 contrary to give immediate notice of all such persons to  
 the nearest authority, or principal local officer on the  
 part of Government that is, to the next station of a Tel-  
 seedar or Collector either of the Revenues or Customs, or to the  
 nearest Subordinate or local Native Judge, as directed to be  
 appointed by the Regulations of the 2.<sup>nd</sup> July last) or (if more  
 contiguous) to either of the Judges, of the Superior Courts or  
 to the Canongoes established in their respective Districts,  
 to the end that advice being dispatched from those inferior  
 to the said Delinquents (or persons charged to be such such) may  
 in the discretion of the Judges of the Superior Courts be therein  
 immediately apprehended, or where there shall be danger of  
 escape the said Collector, or local Magistrate (the Thieves, or  
 other disturbers of the peace, here referred to being supposed  
 to be out of those latter subordinate Magistrates Jurisdic-  
 tion, since, if within the same they will themselves  
 seize them, as a matter of course) may, if they think  
 they can prevent such escape, by immediately apprehending  
 the

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the party, proceed to secure his, or their persons, accordingly, and having succeeded therein, they are to deliver them up to the Magistrate or to the nearest Judiciary Station, together with a Bonthaul, by which term is meant a report of the Case in writing containing such information, as may enable the Magistrate to satisfy himself, by sending for the proper witnesses, or otherwise, concerning the guilt of the Party, or Parties thus apprehended; whom it shall not be in the power of the native Officers apprehending them, either to discharge after having once apprehended, or to detain in Confinement without advising the Magistrate above-td. 2, or 3, or at most 4 to be understood, & required according to the local distance from the seat of the Superior Magistrate) but the duty of such native Officer, shall consist in his forwarding to the Superior Magistrate as aforesaid the earliest notice (not extending) beyond the periods here limited, if all such apprehensions by him made, & in delivering up the parties in safe custody as speedily as may be in the manner & with the written information aforesaid, and when the Native Officer, or Officers aforesaid shall either think, the nature of the case, will admit of his sending previous notice, to the Superior Magistrate or shall deem his own & means unequal to the apprehending, of the Murderer, Rebel, Robber, Thief, or other Disturber of the peace as aforesaid, he is without delay to advise the Magistrate thereof, to the end that the latter, if he shall judge the case to require it, may dispatch a proper force to secure the party, or parties thus denounced to him

12<sup>th</sup> The Superior Magistrates shall also take engagements from all sellers of Spirituous Liquors, within their respective districts, not to harbour any Murderers, Rebels Robbers, Thieves, Gamblers or other description of disorderly persons or Disturbers of the Peace, binding them

Similar Engagements to be taken from the Keepers of all Liquor Shops

Penal for them to give immediate notice of all such persons incurred by them to the Magistrate on pain, to be specified in their said for the Breach Engagements) that if they should harbour any such person or persons, their Liquor Shops, shall be immediately shut up. & they themselves never again permitted to open, or keep any others; besides being subject to such further punishment, by fine, or corporal punishment, within the limits hereafter prescribed in the 21.<sup>st</sup> Art. for the detection of the said Magistrates in all similar cases, as to the Magistrate shall seem meet.

What Engagements are to be taken from the Rajas & on the same account

3.<sup>rd</sup> A Vow or stipulation to the same purport, as the engagement, to be taken from all Landholders, as per 11.<sup>th</sup> Art. shall also be inserted in each Rajas, when a Rajah, or other Superior Landholder, Abodeah or Revenue Engagement, to Government, with whom any fixed stipulation is, or shall hereafter at any time be entered into, binding such Rajah & to the payment of a certain revenue for the extent in general of the Lands included in such engagement, which shall not however supersede the Government rule for Magistrates taking similar or concurrent subordinate engagements from all the principal and other Landholders, (including & Simple & Free Tenures) paying their revenues thro' such Rajah, so as that no part of the Country be at any time left without being included in, & falling under one of such particular, or local engagements, besides this eventual, or occasional general one, & which is to be taken from the Rajas, & when these latter are responsible for the payment to Government, of a fixed amount of Rental, arising out, & on account of their Districts respectively.

Penalties to be stipulated for the Landholders breach of their aforesaid engagements

4.<sup>th</sup> All such separate engagements from the several subordinate Landholders, as specified, & referred to in the 11.<sup>th</sup> Art. to contain a farther express condition, that if any of them shall be proved to act in contradiction to the terms, and true meaning, thereof they shall be

Discordant to the contract of the above, & thereby causing in the engagements with the Rajas.

Making for Institution of the local subordinate Courts of law more English & necessary for the same & Chetani & Kalyan



subject either to such fine, as the Superintendent, acting as Magistrate, shall with the concurrence of the Supervisor, or Chief Magistrate, think just, to exact, or in case to the repetition of such acts, or even where the case shall in the 1<sup>st</sup> instance be of a very atrocious nature & liable to incur & suffer entire dispossession, subject to the rules laid down for such cases in the 64<sup>th</sup> & 65<sup>th</sup> Art. of regulations already given in the Code for the Revenue Department.

Discretion take 15<sup>th</sup> But as the insertion in the Rajahs own mind in respect eventual or general engagements of the penal clause, or to the insertion stipulation as provided for in the last, or 14<sup>th</sup> Art. might of the above, prove offensive to their feelings, it is not to be required as a necessary clause, from them, (altho' the purpose & spirit thereof is to be in the engagements equally binding on them) unless in such cases in which the Supervisor, as Chief Magistrate in concurrence with the opinions of the other Magistrates respectively, shall be assured that the insertion thereof, would not occasion any material disgust, wherefore this point is left to their discretion, subject of course, should there be any difference of sentiment, to the ultimate determination of the Chief Magistrate.

16<sup>th</sup> That as far the change of the Police, & the more full & effectual diffusion of Justice in the Towns of Cannanore, & in the Township of England, for that subordinate towns of Fort Cochin, & at Revanganam & Panam, & in Betul, Courts of Criminal Justice, there have, by the Supplementary Regulations more England, passed on 2<sup>nd</sup> July 1793 for the Civil administration of Justice, been appointed Causers, or Mohammedan local magistrates, to Pantham, a Hindoo Judge for that, the adjoining districts, to be each assisted by a Mussulman & Brahmin learned in their several laws, & also in the Customs of their respective Casts, with suitable allowances, as provided for & particularized in the separate regulations above referred to, It is for the purpose of this Judiciary & Police regulations, here declared that the duties of the said subordinate local

Magistrates, shall consist in maintaining, subject to the constant superintendence of, & appeals to the British Magistrate of their respective divisions, the peace within & throughout their respective Towns & Townships, & Districts, & the limits and precincts thereof with authority, themselves to hear & decide on all complaints or prosecutions, brought before partly offences, such as abusive Language, inconsiderable assaults or slights affrays &c. provided the sentence when proved by Corporal chastisement not exceeding 39 lashes or imprisonment not exceeding 25 Days, or by fine not exceeding 20 Rupees, & in all other complaints & charges preferred to them, where either the offence, shall be of so serious a nature, as by the law of the Religion of the Defendant to require a heavier punishment than here limited, the said Courts, or / at Moulga: District / Hindoo Judge do in all such cases send on the Plaintiff with a Letter from himself to the British Magistrate, on whom he is dependant, by reason of such local Courts being situated within such British Magistrates Division of the Province, to the end, that such Complaints, or Causes may be heard, tried & decided on according to the Regulations for those Superior Courts.

What Causes they are to send up to the Superior Court for Trial

19<sup>th</sup> The Appointment or removal of all of these local Judges, as also of the officers annexed to their several Court Establishments, are to rest solely with the Supervisor, in his capacity of Chief Magistrate, but they are in the execution of their offices to be placed altogether under, and subordinate to the Southern & Northern Superintendents, whose duty it shall be, they are hereby enjoined to report to the Supervisor, every act, on instance of Misconduct, or Corruption ascertained, or presumptive, or neglect of duty, or any of the Officers of these subordinate Jurisdiction, & it shall become hereon the indispensable duty of the Supervisor in his capacity of Chief Magistrate to make such enquiry into the merits of the Case, in the in-

British Magistrate, to decide in person, or cause of a Criminal & Nature.

Measure of punishment which he is authorized to inflict -

may disprove of the force imposed in satisfaction to the Party injured -



stances thus represented, or in any other tract may come, this any other Channel to his knowledge, as may occur since whether any of the said local Judges, or any of their officers, thus charged or complaining against are culpable either of wilful misconduct or neglect of Duty, in either of which Cases he is to proceed thereon as directed, in the 1<sup>st</sup> Art. of the Supplementary regulations passed on the 2<sup>nd</sup> July 1793-

British Magistrate, to which is expected, that the Magistrate is to refer trials to the Petty Sessions, for petty Offences, against the Police, or otherwise, such as for abusive language, or inconsiderable assaults, or petty Brawls or affrays; for in respect to all these, he is empowered & directed himself to enquire into and decide on them (keeping a regular record of all his proceedings) & to punish the same, when proved by Corporal Chastisement, not exceeding 40 Rattans, or punishment stripes, or Imprisonment not exceeding the term of which he is One Month, or by a fine, within the amount limited & specified, in the next article; but that in all cases of Homicide, or of maiming, or of violent affrays, accompanied by Bloodshed, or of Robbery, Theft, or other material & important breach of the peace, or being in any case such as would, if regularly & formally, tried in the Petty Sessions, probably subject the said party, or parties to a greater degree of Punishment, or Penalty, than herein specified; the Trial of all such case, or cases be remitted, as above prescribed to the Criminal Court.

29<sup>th</sup> That in Cases where a fine shall be levied, on the Defendant as above allowed of, the whole imposed, or such part thereof, as the Magistrate shall think satisfaction fit may be by him awarded to the Plaintiff in satisfaction to the Party injured - sustained by the injurious act, by which he shall be proved to have suffered, & on the contrary, where the Complaint preferred, shall appear to be litigious vexatious, and groundless, the Magistrate is authorized



also punish - to inflict a punishment, or impose a penalty, either on those, who by imprisonment, flogging, or amercement, regard & prefer vexatious, being had to the nature of the case, & situation in and grounds of life, & Rank of the parties) on the Complainant's accusations - provided that neither such imprisonment, flogging, or fine, be longer more severe, or longer than is specified & referred to in the 21<sup>st</sup> Art. & in case it be by fine, to adjudge such part thereof to the Defendant, as the said Magistrate may think fit, by way of Indemnification, for the trouble which such Defendant, or Defendants shall have been unduly put to by the unfounded, or vexatious charge or charges, which the Plaintiff shall have unjustly preferred, but the fines that may be thus imposed (whether on the party complained against, or the unjust accuser) by the authority of the provincial, or inferior British Magistrate, without reference formal trial in the Sanyadary Court shall in no case exceed the one tenth proportion of the known annual net Income whether from land otherwise of the party thus amerced nor shall it in any case exceed 200 Rupees, & whenever such fine, shall exceed even 100 Rupees, it is not to be levied till the case shall have been reported by the Superintendent, in his capacity of Magistrate, to the Superior in the latter's capacity of Chief Magistrate of the Province, & have obtained his sanction.

Sanctions  
put to the said  
Magistrates  
direction in res-  
pect to the mode  
of punishment  
by fines

Attention  
The due  
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criminal ma  
re provided  
as the pros  
duty of the  
British  
Magistrate

English & Vernacular  
Records to be kept  
by the British  
Magistrate -

23<sup>rd</sup> That all complaints with the Orders on them, be recorded in the Magistrates Office both in the English, & Malabar or Canare Languages.

Monthly return  
to be made  
to the Chief  
Magistrate -

24<sup>th</sup> That authenticated copies of all Complaints, & Orders passed thereon both in the English, & Malabar, or Canare Languages be forwarded monthly to the Chief Magistrate, at Calicut, with a return specifying the names of

Constant  
attention to  
paid to the  
to the  
alth of the  
Prisoners -

of the persons apprehended, the date of apprehension & whether they have been remitted for Trial to the Magistrate's Court or Criminal Court or furnished by the Magistrates own Order in any of the modes above authorized, or acquitted and released.

26<sup>th</sup> The Superintendents & Senior Assistants are as Magistrates, to consider it as their the due trial & most incumbent duty in preference of Cases of crime to all others to bring all matters relative to criminal matters persons apprehended by them to as speedily as possible to termination as possible, so as to enable as the prison to decide within 3 or 4 Days at most, duty of the after the apprehension of the parties, or parties British or so in custody as much sooner as possible for their respective cases, as far as immediately depends on their own authority respectively, & that is, relative to the trial, and acquittal or degree of punishment which he is himself authorized to adjudge or relative to the said parties being remitted for Trial to the Magistrate's Court, & in respect to the latter he is to procure the expediting of the Trial as far as in him lies, by affording every assistance, that may be required by the Prisoner, on the part of the Court, in respect to the appearance or attendance of Witnesses, or otherwise.

27<sup>th</sup> The Custody & Charge of the Prisoner Constant attendants, & of all the other Sails, at his own Station to be / not of course including those of the local Sails to the subordinate Courts / are to be in the respective Sails to the Magistrates, in like manner, as are those of the Subordinate Courts to be in the Sails to the Judges, are hereby severally required to visit the said Sails personally at least twice in every month & to cause particular attention



tion to be paid to the cleanliness of the  
Sails, & the healthiness of the Prisoners for  
which purpose, the said Magistrate and su-  
bordinate orative Judge, are respectively  
to cause such measures to be adopted towards  
preserving the salubrity of the Sails, or for par-

The Medical-  
ticular diet to the Prisoners as may from  
time to time be suggested, by the surgeon of the  
Case of the Prison-  
Station whose immediate duty it must be  
to have the medical charge of all the Priso-  
the surgeon of  
the Station  
ners in the several Sails at the Stations of  
The Superintendent or Senior Assistant, as afore-  
said, or by the orative Doctor to be attached to  
the Sails, at the Stations of the local subordinate  
Judges.

Sails, to have  
separate Wards, in a separate house or Sails from those, who are  
the Sundry confined either for Debt, or Civil Suits, or for  
to be kept apart the Revenue, & there are also to be separate  
Sails from the Wards in the Sundry, & the other Sails, so as  
other prisoners admit of those, who are sick being kept &  
in distinct distinct & separate from the Prisoners, who  
clap, according remain in health. For those who after trial  
to the nature shall be condemned to temporary, or other im-  
of their nature-  
prisonment, or other punishment to be a  
time cases-  
Confined in separate apartments from those  
whose trials are not completed; & there must  
also be a similar distinction observed in re-  
spect to the custody of those, who on their first  
apprehension, have not yet undergone the  
previous enquiry, which the Magistrate is  
to make, from that of the parties whom  
after such previous enquiries he has &  
committed for the ultimate Trial of the &  
Sundry Court.

30<sup>th</sup> That, in consideration to the  
novelty

stand in re-  
to Rains &  
of their fan-  
or principle  
Prisoners



should in respect novelty of any regular system of Criminal &  
 Jurisdiction in the Province of Malabar, neither  
 to Rajas & those of their family do, in the first Instance, or without communication  
 or principal Minister - with the Chief Magistrate, apprehend/ & sh.  
 even the information before them, regularly re-  
 quire of any Rajah in Chief, or any of the Sephe-  
 ras such Rajahs, or the principal Harigar or  
 Minister of either of them respectively, but  
 instead thereof that they do report the case to the  
 Supervisor, in his capacity of Chief Magistrate,  
 who is thereon after satisfying himself by farther  
 enquiry, on his own part that there are just gro-  
 unds of Criminal Charge, against such Rajah, Nephew  
 or Minister, as aforesaid, either himself to cause,  
 or to invite to the inferior British Magistrate,  
 & cause such Nephew, or Minister (according  
 as the Case may relate to either) to be taken  
 into safe custody, till he give bail to stand his trial,  
 provided the case, or fact, charged against him, &  
 shall exceed the limits, within, which the Briti-  
 sh Magistrates, are by the 21.<sup>st</sup> & 22.<sup>nd</sup> Act. them-  
 selves empowered to try & decide, since in all  
 such slighter cases, the matter in issue, may  
 with sufficient security be brought to a deter-  
 mination without taking either such Nephew  
 or Minister into Custody, & where Rajas in Chief  
 (which will seldom, or ever happen) are guilty,  
 or charged on probable grounds, with such crimes,  
 as by the preceding regulations, are only cogniza-  
 ble by the Superior Criminal Courts the Chief  
 Magistrate is himself without imposing any &  
 disgrace on such Rajah in Chief to proceed/ on being  
 ordered of the Case by the British Magistrate  
 of the Division or otherwise/ to enquire into the  
 case & to report the same to the Governor in  
 Council

Council at Bombay, & thereon to accede & be guided by the Decision, & Instruction of that Government, whether or not to subject such Royal to the Ordinary mode of Trial in the Station Criminal Courts, for such act or acts by him committed, or what other course shall thereon be pursued.

### Regulation.

Concurrent jurisdiction is vested in the Magistrates of the several Divisions and their Police Officers in the Cases and under the restrictions following. Viz. The Daroghas and Police Officers subject to the Authority of the Magistrate of each Division are empowered either under his Warrant, or without such Warrant, to pursue persons charged with Crimes or Misdemeanors, into the jurisdiction of other Daroghas & whether subject to the same Magistrate as themselves, or to the Magistrate of any other of the Divisions. The Magistrates, Daroghas, Police Officers, Rajahs Landholders, Farmers Cultivators of land, and all other persons, having Authority or residing in the jurisdiction into which the offenders may be pursued, are required to afford every assistance in their Power, to the pursuing Officers for the apprehension of the Offenders. It is to be understood, however, that this Concurrent Authority, vested in the Magistrates and their Police Officers, is to extend only to Cases in which the Crime or Misdemeanor shall have been committed within their respective jurisdiction, or in the event of the Crime having been committed in any other jurisdiction, where the Offender was actually within their jurisdiction, when the Charge against him was preferred to them, and it shall not be lawful for the Magistrate or Darogha

of



gone jurisdiction to issue a warrant for the apprehension of any Offender being preferred to them for any Crime or Misdemeanor, not Committed within the limits of their respective jurisdictions. In such Case the Complainant must apply in the first instance to the Magistrate, or to the Paragah of the jurisdiction in which the Crime or Misdemeanor, shall have been Committed or in which the offender may reside, or be found.

Attest Copy  
signed/ J. L. Law  
Acty Secy

Attest Copy  
signed/ J. A. Grant,  
Secy

The Chief Judge and Magistrate of the Province or the Commissioners for executing that Office, for the time being shall require the respective Judges of the Northern and Southern Division and the Senior Assistant at Calicut, in quality of Judge of the Middle Division, to make strict enquiry into the Characters of those who, on being tried in the Secondary Court for private stealing, Robbery, House breaking, or any other Criminal Offence, not justifying a sentence of mutilation, or death, by the Mahomedan or Hindoo law, or the Custom of the Country shall be found guilty of such Offence, and Condemned to a punishment of 39 or more, and a further punishment by stripes, or other species of disgrace, when enlarged; and if it shall appear on such enquiry, that the Prisoner or Prisoners are of notoriously bad Characters, such Provincial Judge shall report the same, when he forwards the Proceedings in or such trial for the Opinion of the Chief Judge and Magistrate or the Commissioners for executing that Office, for the time being, who may on due Consideration of such report, Commit such sentence of stripes, imprisonment, and other species of disgrace, into transportation for five Years; provided the report hereby required from the Provincial Judge shall consist of the deposition on Oaths



Oath of the Parbuty or Munim, and of the Bannagoe or  
Tombastok of the Part of the Country where the Prisoner is  
ordinarily place of residence, is, and also the deposition on  
Oath of at least two of the Prisoner's nearest neighbours,  
being heads of Families, and fixed Inhabitants, and it  
shall be necessary that all these different testimo-  
nies Concern as to the reputed habitual turpitude  
or Criminality of the Party or Parties in question.

Calicut  
27<sup>th</sup> Sept. 1798

A true Copy  
signed / Jas. Law Seryp

Amended Rule relative to the Commutation of punish-  
ment for adjudged Loss of Limbs rec<sup>d</sup> 22<sup>nd</sup> Oct<sup>r</sup> 1798

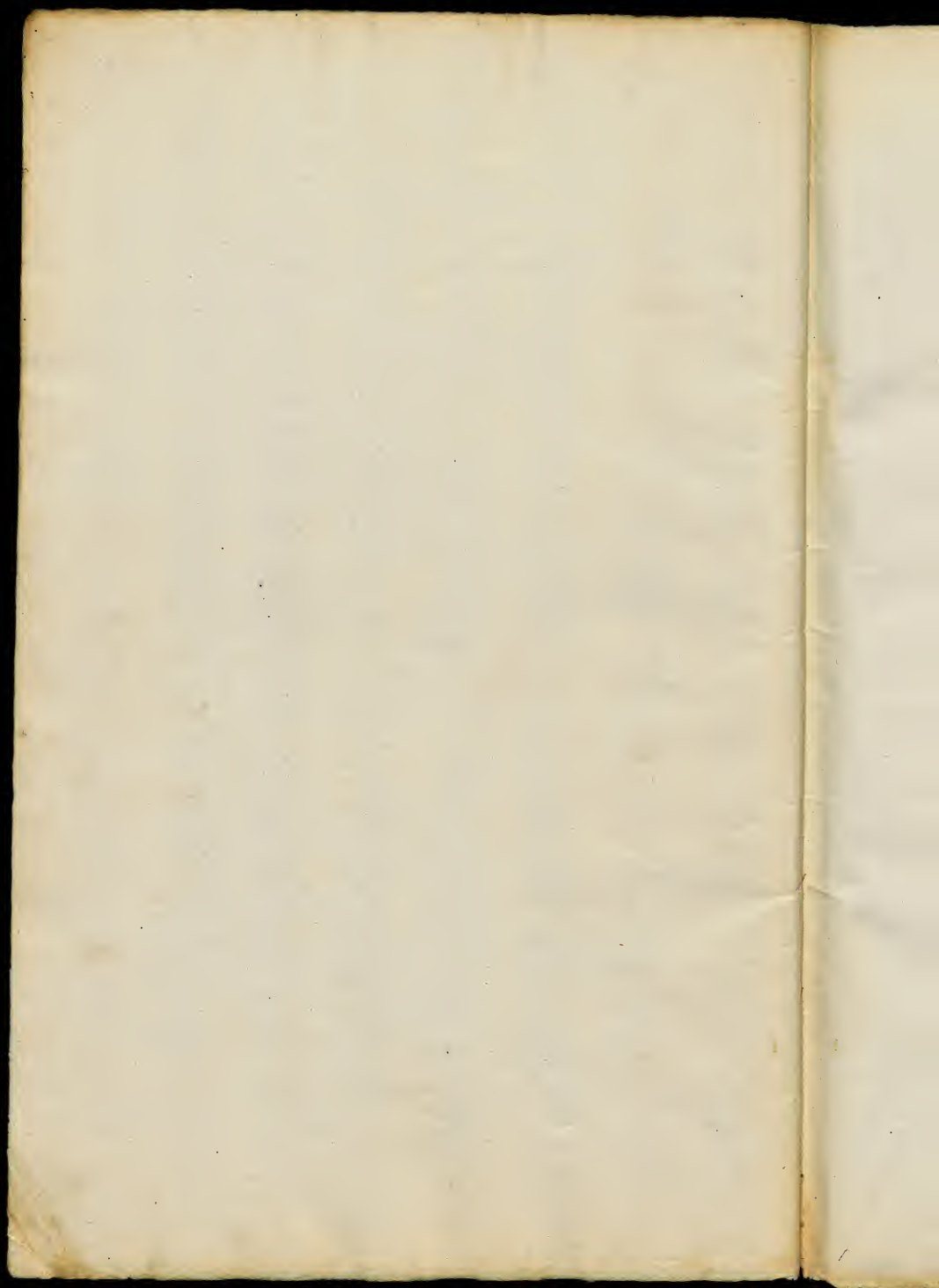
In as much as it is desirable to attain, in  
where ever particular Reasons do not militate aga-  
inst it a general coincidence in the rules for the admi-  
nistration of Justice, under the several Presidencies,  
and this Government, considering also that the Term of  
Imprisonment which has been substituted in the  
Regulations of the Bengal Government, for the  
Punishment of Mutilation, is in view to the  
local Circumstances of Malabar, to be from Expe-  
rience preferred to the shorter periods now Authorized  
by the Criminal Code for that Province It is accordingly  
by Order, that future Sentences by the Criminal  
Courts there, to lose one Limb, shall be commuted from  
the receipt, of this Rule into imprisonment for  
seven years, and those to lose two Limbs, into a like  
Punishment for fourteen years, and the Governor in  
Council is Authorized, under the discretion in this re-  
spect allowed by the Mahomedan Law to order any  
Prisoner sentenced to imprisonment for life, or for  
a limited period, the same being for seven Years or  
upwards, to be transported to some place beyond sea,  
and the Commissioners for executing the office  
of

of Chief Magistrate of the Province of Malabar, are to cause a written proclamation to be read and affixed in their Cutcherry, as well in the Cutcheries of the Southern and Northern Superintendencies and in those of the Criminal Courts, notifying that all persons who may be sentenced to be confined for life, or for a term of seven years and upwards for murder, robbing or plundering, or burning houses, or property, or any other Crime of heinous nature, will be liable to be sent to some place beyond sea by order of the President in Council to whom a reference is to be made by the Sessions Judges in all instances wherein they shall consider the parties convicted to be proper objects for transportation, under the sentences passed against them for imprisonment.

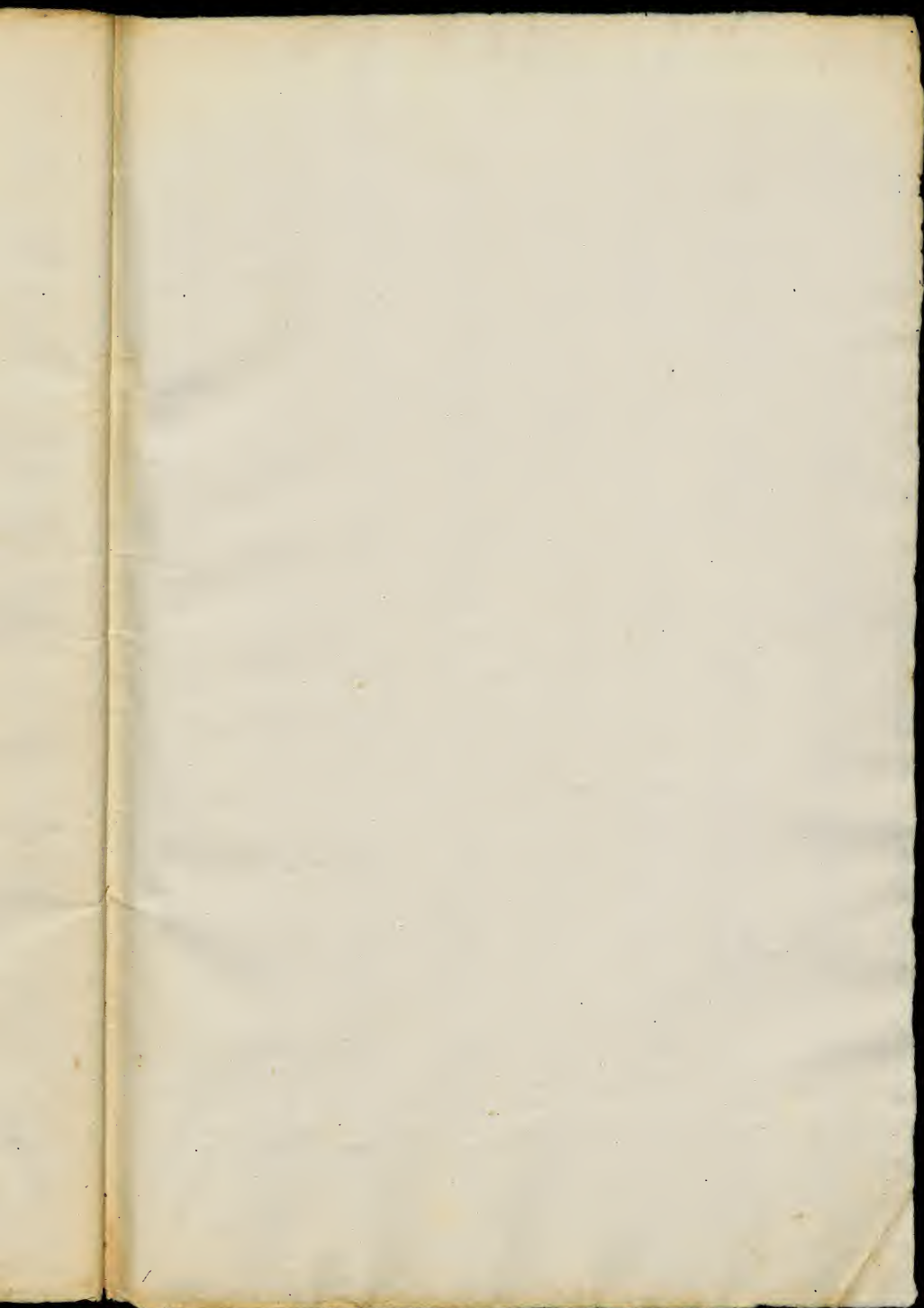
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Attest Copy  
 signed J. L. Law  
 Secretary

(signed) Robert Rickards  
 Secretary







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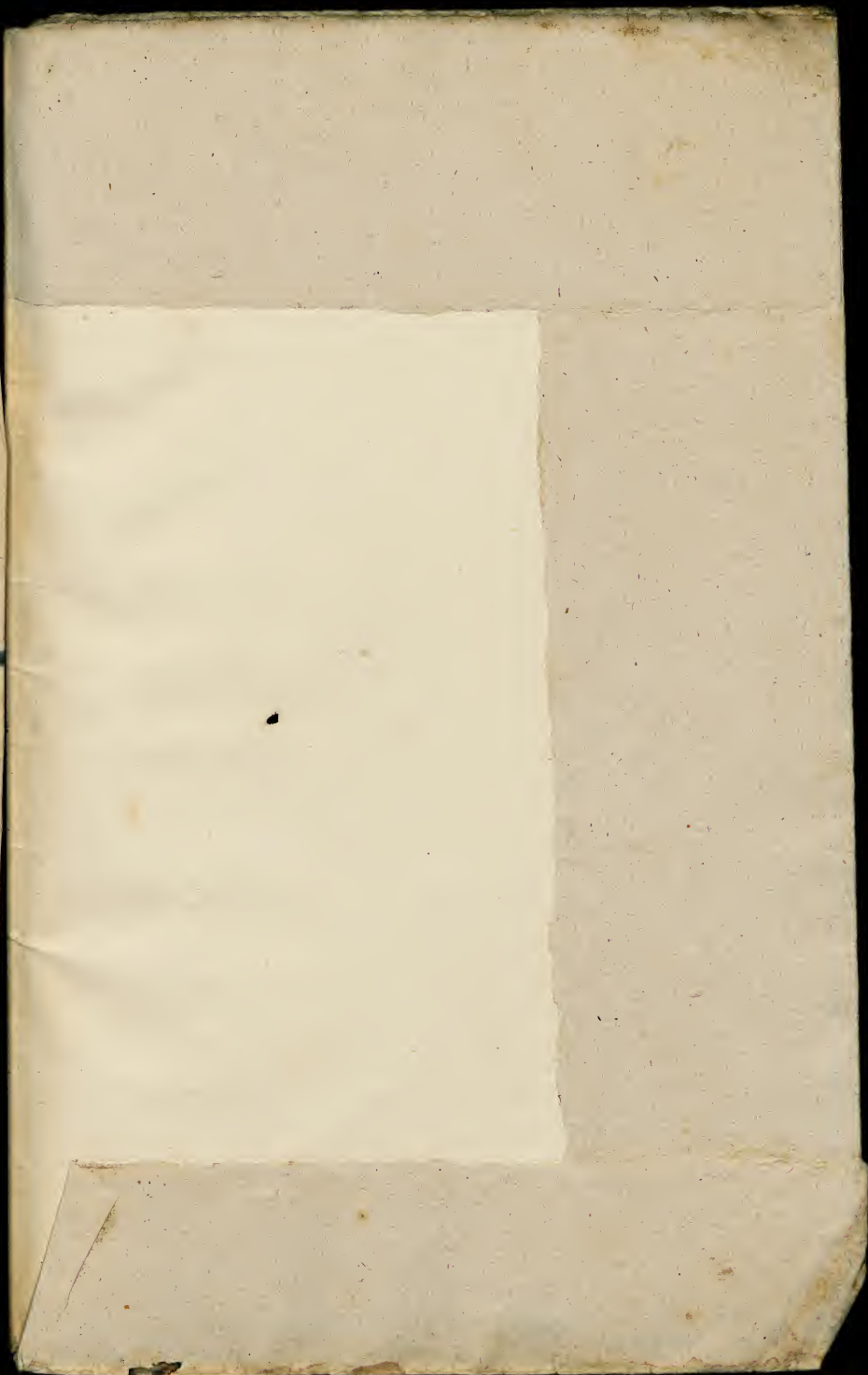
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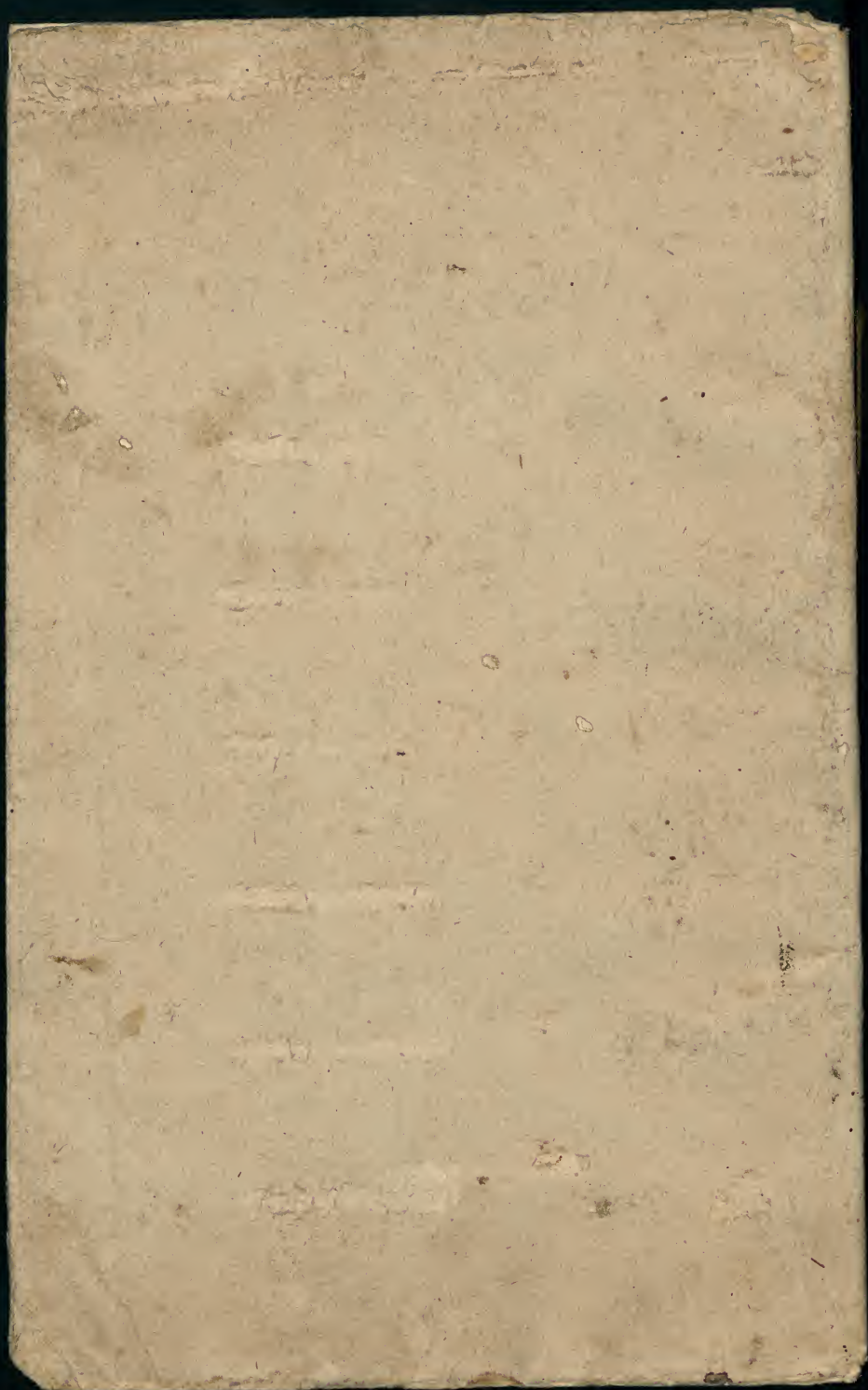
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# Regulations for the administration of Justice in the Provincial Courts of Adawlut, and in the Court of Appeals in the Province of Malabar.

Superintendent

1<sup>st</sup>

That the Office of Judges of the Provincial Courts (being those under the Superintendents) be respectively held by that person who hath or shall hereafter have the charge of the revenue in each respective place with the exception of the Court now established in the Capital City of Calicut which is to continue independent of any Superintendency for the decision of all causes originating within the limits of the said City and district thereunto annexed.

2<sup>d</sup>

That every person appointed a Judge of any Provincial Court before he shall enter upon the execution of his Office do before the Governor in Council at Bombay or such person as shall by the Governor or Council be deputed to administer the same or the Magistrate and Chief Magistrate of the Province of Malabar take and subscribe an Oath in the following words.

"I do swear that I will administer Justice to the best of my ability, knowledge, and judgment without fear, favor, promise or hope of reward and that I will not receive directly or indirectly any present or bribe, either in money or effects of any kind, from any party in any cause, or from any person whatsoever, on account of any suit to be instituted, or which may be depending or have been decided in the Court of Adawlut under my jurisdiction, nor will I knowingly permit any person or persons under my authority, or in my immediate service to receive directly or indirectly any

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